

## TRANSPORTATION DEPARTMENT[761]

### Notice of Intended Action

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code sections 307.12, 307A.2 and 321.180B, the Iowa Department of Transportation hereby gives Notice of Intended Action to amend Chapter 602, “Classes of Driver’s Licenses,” Iowa Administrative Code.

The proposed amendments to this chapter:

- Add the Department’s Web site as a resource to obtain driver’s license applications and forms.
- Add a new subrule to explain the passenger restriction for an intermediate license and the process required to waive the restriction. The passenger restriction is added to an intermediate driver’s license, unless waived by the licensee’s parent or guardian, and requires the licensee to limit the number of unrelated minor passengers in the motor vehicle when the intermediate licensee is operating the motor vehicle to one passenger for the first six months after the license is issued. The proposed amendment conforms to existing practice.

- Add a new paragraph to comply with Iowa Code section 321.180B(2) concerning eligibility requirements for an intermediate license, to clarify that the 12-month period to possess an instruction permit is calculated cumulatively to include any period of time the applicant possessed a valid instruction permit but excludes any period of time the applicant did not have a valid driving privilege; and to clarify that the six-month period to remain accident and violation free is calculated continuously and must encompass without interruption the six-month period of time immediately preceding the application. The proposed amendment conforms to existing practice.

- Add a new paragraph to comply with Iowa Code section 321.180B(4) concerning eligibility requirements for persons who are 17 years of age and relating to full driver’s licenses to state that the applicant is required to possess an intermediate license for a 12-month period of time and must remain accident and violation free before applying for a full license. The applicant must hold an intermediate license issued under Iowa Code section 321.180B(2) or a comparable license issued by another state and maintain a valid driving privilege through the continuous 12-month period without interruption. The proposed amendment conforms to existing practice.

- Amend rules concerning a minor’s school license to align the hours that a minor school licensee may operate a motor vehicle unaccompanied during the hours provided for in Iowa Code section 321.194. Also, the proposed amendments update the process by which an applicant who qualifies for a “hardship exemption” may demonstrate that completion of the driver’s education course would impose a hardship. The proposed amendments conform to existing practice.

- Add a new subrule to accommodate a student who holds a minor’s school license and whose parents are divorced or legally separated and as a result of shared custody maintain more than one residence. The proposed amendments conform to existing practice.

These amendments do not provide for waivers. Any person who believes that the person’s circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

Any person or agency may submit written comments concerning these proposed amendments or may submit a written request to make an oral presentation. The comments or request shall:

1. Include the name, address, and telephone number of the person or agency authoring the comments or request.
2. Reference the number and title of the proposed rule, as given in this Notice, that is the subject of the comments or request.
3. Indicate the general content of a requested oral presentation.

4. Be addressed to Tracy George, Rules Administrator, Iowa Department of Transportation, Office of Policy and Legislative Services, 800 Lincoln Way, Ames, Iowa 50010; e-mail: [tracy.george@dot.iowa.gov](mailto:tracy.george@dot.iowa.gov).

5. Be received by the Office of Policy and Legislative Services no later than June 14, 2016.

A meeting to hear requested oral presentations is scheduled for Thursday, June 16, 2016, at 10 a.m. at the Iowa Department of Transportation's Motor Vehicle Division offices located at 6310 SE Convenience Boulevard, Ankeny, Iowa.

The meeting will be canceled without further notice if no oral presentation is requested.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code sections 321.180B and 321.194.

The following amendments are proposed.

ITEM 1. Amend subrule 602.1(2) as follows:

**602.1(2) *Special licenses and permits.*** The department issues the following special licenses and permits. More than one type of special license or permit may be issued to an applicant. On the driver's license, a restriction number designates the type of special license or permit issued, as follows:

1—Motorcycle instruction permit—includes motorcycle instruction permits issued under Iowa Code subsections 321.180(1) and 321.180B(1)

2—Noncommercial instruction permit (vehicle less than 16,001 gross vehicle weight rating)—includes instruction permits, other than motorcycle instruction permits, issued under Iowa Code subsection 321.180(1), ~~and~~ section 321.180A and subsection 321.180B(1)

3—Commercial learner's permit

4—Chauffeur's instruction permit

5—Motorized bicycle license

6—Minor's restricted license

7—Minor's school license

ITEM 2. Amend rule 761—602.2(321) as follows:

**761—602.2(321) Information and forms.** Applications, forms and information about driver's licensing are available at any driver's license examination station or on the department's Web site at [www.iowadot.gov](http://www.iowadot.gov). Assistance is also available at the address in rule 761—600.2(17A).

**602.2(1) to 602.2(3)** No change.

**602.2(4) *Passenger restriction for intermediate licensee.*** The passenger restriction required by Iowa Code subsection 321.180B(2) will be added to an intermediate license unless waived by the licensee's parent or guardian at the time the license is issued. If the restriction is not waived at the time the license is issued, the intermediate license will be designated with a "9" restriction with the following notation: "Only 1 unrelated minor passenger allowed until [six months from the date the license is issued]." The licensee must obey the restriction for the first six months after the intermediate license is issued. If a parent or guardian wishes to waive the passenger restriction after the license has already been issued, the licensee and the parent or guardian must apply for a duplicate license and pay the replacement fee pursuant to 761—subrule 605.11(3).

This rule is intended to implement Iowa Code sections 321.8, 321.178, 321.180B, 321.184, 321.189, and 321.194.

ITEM 3. Amend subrule 602.11(2) as follows:

**602.11(2) *Requirements.***

a. and b. No change.

c. For purposes of determining eligibility for an intermediate license issued to a person 16 or 17 years of age under Iowa Code subsection 321.180B(2):

(1) The 12-month period during which the applicant is required to possess an instruction permit before applying for an intermediate license shall be calculated cumulatively and shall include any period of time during which the applicant has held a valid instruction permit issued under Iowa Code subsection 321.180B(1), a minor's school license issued under Iowa Code section 321.194, or

comparable instruction permit or license issued by another state, but shall exclude any period of time during which the permit or license is suspended, revoked, or canceled, or the applicant otherwise did not have a valid driving privilege.

(2) The six-month period during which the applicant is required to remain accident and violation free shall be calculated continuously and must encompass without interruption the six-month period of time immediately preceding the application. The applicant must hold a valid instruction permit issued under Iowa Code subsection 321.180B(1), a minor's school license issued under Iowa Code section 321.194, or a comparable instruction permit or license issued by another state and maintain a valid driving privilege without interruption throughout the continuous six-month period.

d. For purposes of determining eligibility for a full license issued to a person 17 years of age under Iowa Code subsection 321.180B(4), the 12-month period during which the applicant is required to possess an intermediate license and to remain accident and violation free before applying for a full license shall be calculated together and continuously and must encompass without interruption the 12-month period of time immediately preceding the application. The applicant must hold a valid intermediate license issued under Iowa Code subsection 321.180B(2) or a comparable license issued by another state and maintain a valid driving privilege without interruption throughout the continuous 12-month period.

ITEM 4. Amend rule 761—602.26(321) as follows:

**761—602.26(321) Minor's school license.**

**602.26(1) Validity and issuance.**

a. No change.

b. The license is valid for driving unaccompanied from 6 a.m. to 10 p.m. on the most direct route between a licensee's residence and schools of enrollment or the closest school bus stop or public transportation service, and between schools of enrollment, to attend scheduled courses and extracurricular activities within the school district, during the times and for the purposes set forth in Iowa Code subsection 321.194(1) "a" and at any time

c. The license is also valid for driving when the licensee is accompanied by a person specified in accordance with Iowa Code subsection 321.180B(1).

d. The type of motor vehicle that may be operated is controlled by the class of driver's license issued. A Class C minor's school license is valid for operating a motorcycle only if the license has a motorcycle endorsement. A minor's school license is valid for operating a motorized bicycle only for the purposes specified in paragraph "b" of this subrule.

e. The license is issued for two years.

**602.26(2) No change.**

**602.26(3) Exemption.**

a. No change.

b. "Demonstrates to the satisfaction of the department" means that the department has received an affidavit on Form 430021 attesting that completion of the course would impose a hardship upon the applicant. The affidavit shall be signed by the written proof that a hardship exists, signed by the applicant's parent, custodian or guardian and by the superintendent of the applicant's school, the chairperson of the school board, or the principal of the applicant's school if authorized by the superintendent.

**602.26(4) Multiple residences.**

a. An applicant whose parents are divorced or separated and who as a result of shared custody maintains more than one residence may be authorized to operate a motor vehicle from either residence during the times and for the purposes set forth in Iowa Code subsection 321.194(1) "a" provided that the statement of necessity provided to the department certifies that a need exists to drive from each residence, that the school of enrollment identified in the statement of necessity meets the geographic requirements set forth in Iowa Code subsection 321.194(1) "c" as determined by the primary residence identified in the statement of necessity, and that the secondary residence identified in the statement of necessity is either within the school district that includes the applicant's school of enrollment or is an Iowa school district contiguous to the applicant's school of enrollment. The fact that either residence is less than one

mile from the applicant's school of enrollment shall not preclude travel to and from each residence at the times and for the purposes set forth in Iowa Code subsection 321.194(1) "a" provided that need is otherwise demonstrated.

b. A minor's school license approved for travel to and from two residences for the purposes set forth in Iowa Code subsection 321.194(1) "a" shall not be valid for travel directly between each residence unless the licensee is accompanied in accordance with Iowa Code subsection 321.180B(1).

c. The primary residential address listed in the statement of necessity shall appear on the face of the license. A minor's school license approved for travel to and from two residences shall include a "J" restriction on the face of the license, and the secondary address listed in the statement of necessity shall be listed on the reverse side of the license as part of the "J" restriction, with the following notation: "Also valid to drive to and from [secondary residential address] in compliance with 321.194."

This rule is intended to implement Iowa Code sections 321.177, 321.180B, 321.189, 321.194 and 321.196.